

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

OHIO VALLEY ENVIRONMENTAL
COALITION, WEST VIRGINIA
HIGHLANDS CONSERVANCY, and
THE SIERRA CLUB,

Plaintiffs,

v.

GLENDA OWENS, Acting Director,
Office of Surface Mining Reclamation and
Enforcement,

Defendant.

Case No. 3:21-cv-00301

UNOPPOSED MOTION FOR SECOND EXTENSION OF TIME

Consistent with LR Civ. P. 12.1, Defendant Glenda Owens, in her official capacity as Acting Director, Office of Surface Mining Reclamation and Enforcement, hereby seeks an additional extension of the deadline to answer or otherwise respond to the Complaint. The present deadline is August 24, 2021. Defendants request an extension to September 21, 2021. This is Defendant's second request for an extension. Counsel have conferred, and Plaintiffs do not oppose this motion.

As described in the preceding unopposed motion for extension (ECF 5), Defendant has been in the process of issuing further written communication addressing the matters raised by the Complaint that will constitute a determination under 30 C.F.R. § 732.17(c). The approval process within the Office of Surface Mining Reclamation and Enforcement and the Department of the Interior has only recently been completed, and a letter was issued on August 23, 2021. A copy of that letter has been provided to Plaintiffs' counsel, and is attached as Exhibit 1 hereto. It would best conserve the resources of the parties and the Court to allow Plaintiffs a reasonable

amount of time to determine the effect of this letter, if any, on the claims raised by the present Complaint. Through conferral, counsel have determined that an extension of twenty-eight days will be suitable, and that the parties can further address the status of the case or Defendants will answer or otherwise respond to the Complaint on or before the requested new deadline of September 21, 2021.

DATE: August 23, 2021

Respectfully submitted,

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division

/s/ Paul A. Turcke
PAUL A. TURCKE
Idaho State Bar No. 4759
Trial Attorney, Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611
Telephone: (202) 353-1389
Fax: (202) 305-0506
Paul.Turcke@usdoj.gov

LISA G. JOHNSTON
Acting United States Attorney
Southern District of West Virginia

/s/ Fred B. Westfall, Jr.
FRED B. WESTFALL, JR.
W. Va. State Bar No. 3992
Assistant United States Attorney, Civil Chief
300 Virginia Street East, Room 4000
Charleston, WV 25301
Telephone: (304) 347-5104
Fax: (304) 347-5104
Fred.Westfall@usdoj.gov

Counsel for Defendant